

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(READING)**

In Re: JOHN G. WADSWORTH
Debtor

Case No. 17-17892 REF
Chapter 13

ORDER GRANTING LEAVE TO FILE RESPONSE OUT OF TIME

Motion of Debtor, John G. Wadsworth, for Leave to File a Response to the Motion of MTGLQ Investors, LP. for Relief from the Automatic Stay Out of Time, and MTGLQ Investors, LP.'s response thereto, it is hereby ORDERED, that the Motion be, and hereby is, GRANTED.

BY THE COURT:

Bankruptcy Judge

Interested Parties:

William B. Callahan, Esquire
Law Offices of William B. Callahan
1800 East High Street, Suite 150
Pottstown, PA 19464

Frederick L. Reigle, Trustee
PO Box 4010
Reading, PA 19606

Kevin G. McDonald, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532

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In Re: JOHN G. WADSWORTH
Debtor

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Chapter 13

**CERTIFICATION OF SERVICE OF DEBTOR'S MOTION FOR LEAVE TO FILE
RESPONSE TO MOTION FOR STAY RELIEF OUT OF TIME**

William B. Callahan, Esquire certifies that a true and correct copy of the Debtor's Motion for Leave to File Response to Motion of MTGLQ Investors, L.P. for Stay Relief out of Time was sent this date by first class mail, postage prepaid, and/or electronic mail to the parties listed below

Date: May 16, 2018



/s/ William B. Callahan

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(READING)

In Re: JOHN G. WADSWORTH
Debtor

Case No. 17-17892 REF
Chapter 13

**DEBTOR'S MOTION FOR LEAVE TO FILE A RESPONSE
TO THE MOTION OF MTGLQ INVESTORS, L.P. FOR
RELIEF FROM THE AUTOMATIC STAY OUT OF TIME**

Debtor, John G. Wadsworth, by and through his Attorney, William B. Callahan, by way of this Motion, hereby says:

1. On or about April 17, 2018, Mortgagee MTGLQ Investors, LP ("Mortgagee") filed a Motion for Stay Relief, regarding Debtor's Residence at 526 Hallman Road, Union Township, PA 19518.
2. In the Motion, Mortgagee alleges that Debtor has failed to make any post-petition payments.
3. In reality, Debtor has attempted to make payments, but through some misunderstanding, those payments have not been accepted.
4. Debtor has therefore been retaining those payments, keeping them in an interest-bearing account, with the intention of paying Mortgagee a lump-sum amount to cure any post-petition arrearage.
5. After the filing of Mortgagee's Motion, counsel for the Debtor immediately contacted Mortgagee's counsel, and offered to cure the arrearage forthwith.
6. At the time, Debtor believed that the matter would be concluded quickly, so no Response was filed.
7. Mortgagee's counsel contacted Debtor's counsel the following day, and advised that a stipulation would be sent.

8. The stipulation was sent to Debtor's counsel on May 1, 2018, the same day that a response to Mortgagee's Motion was due.

9. Debtor still believed that the matter would be quickly concluded, and did not file a response.

10. It has been fifteen days since the Stipulation was received and the parties still have not concluded this matter.

11. The only reason that the matter has not concluded, is that Debtor has requested from Mortgagee, the correct address to send the lump sum payment to. The lump sum payment is not a payment made in the ordinary course of business, and Debtor believes, based on past experiences, that it should be sent to a different address than the one used for regular payments.

12. Debtor has requested that Mortgagee's counsel obtain the proper address from Mortgagee, and counsel has done so, but has received no response from Mortgagee.

13. The only thing preventing a resolution, is Mortgagee's failure to respond to Debtor's request for a correct address.

14. In the meantime, Debtor fears that if Mortgagee continues to delay its response, and if a response is not filed, Debtor could suffer a default on the Motion, and the Stay could be lifted, even though Debtor has acted in good faith.

15. For the foregoing reasons, Debtor respectfully requests that he be permitted to file a Response out of time, and that the contested Motion be placed on the Court's calendar for May 31, 2018, which is the scheduled hearing date for the Motion for Relief.

16. Debtor has filed his response to the Motion for Reliaif simultaneously with this Motion.

17. Mortgagee's counsel does not object to this Motion.

WHEREFORE, Debtor, John G. Wadsworth, prays this Honorable Court to enter an Order granting leave to file a Response the Mortgagee's Motion for Relief out of time.

Respectfully submitted,

LAW OFFICES OF WILLIAM B. CALLAHAN



/s/ William B. Callahan

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